2: Gamble S-5 (1926-1933) 1954 AF12 North China AF12

441 Commerce. Orders from the Agricultural Section and the Bureau of In-
634 dustry required changes in the organization and rules of the Association in 1916 and again in 1918, if it was to register with the Section and be authorized to use a seal.

The Association's annual budget of $2,000 was part of the hsien budget. The necessary funds came from membership fees of $3, $4, and $5 a year, a fee for handling the excise stamps attached to receipts, and part of the tax on cotton cloth.

The organization of the Bureau of Public Judgment on Commercial Matters was one of the duties of the annual conference of the Association. This Bureau was to "harmonize opinions and compromise disagreements by conciliation and arbitration". The salary of the director appointed to handle the affairs of the Bureau was $20 a month. The secretary was paid $8 a month and the clerk $5.

Anti-Litigation Society

627 The Anti-Litigation Society was organized in 1923 and reorganized in 1925. Its purpose was to prevent litigation and to arbitrate the disputes of the people. The $635 spent for its activities was part of the budget of the Merchants' Association.

When the Anti-Litigation Society was reorganized the magistrate then in office directed that all lawsuits should be heard and, if possible, settled by the Society before they came to the yamen. Only those cases with which the Society was unsuccessful were to come before the hsien court. More than 100 cases were settled in the five years from 1923 to 1928.

Anti-Foot-Binding Society

304 The Anti-Foot-Binding Society was a semi-official organization founded in 1913 to persuade the women to unbind their feet and parents not to bind their daughters' feet. The magistrate was the president. The head of the Bureau of Education and the head of the Police Court were the vice-presidents. The heads of other community organizations were the members and honorary officers. For a time meetings were held the first of every month in the offices of the Bureau for Encouraging the People to Learn. Six women were appointed as district investigators and given travel fees of $20 each. Branch societies were organized in prac-

3:Chao E-5 (1939-1941)1948 AF12 North China AF12

631 Only a few of the villagers pay any attention to all these systems
647 of government. The majority do not care for them and expect nothing good from them. Nevertheless, their life is affected by these complicated systems of political organization. They are being taxed by them either in money payment or in labor service or both.

The heads of these political divisions do not consider it as an honour to receive an office from these governing bodies. The duties fall on them and they cannot escape. Much of their time is required by these duties. Their responsibility is great but their compensation is nil. Indeed, the office of pao-head was first offered to a member of the richest family of the village, but he refused by leaving the village and staying a few months in the city. He was rich and could afford to do that. How could the other fellows in the village refuse any offer from the governing bodies above them?

627 The village folks still follow their own ways of doing things and solving their own problems. The last thing they would consider would be litigation in the municipal court. When someone has committed a minor offence, all the villagers keep silent about it. In case it is found out by the police, go-betweens help out the villagers with simple gifts to the minor officials.

Smooth relations among the villagers cannot continue for an indefinite period. Some petty incidents occur from time to time among the villagers. Under such circumstances, the principle of "to have big incidents dissolved into small ones and small incidents into nothing at all" is preferred.

Thus, with "crimes" committed against government regulations by a villager, the principle of non-intervention and inaction is followed. With misconduct committed against fellow villagers, all available means are mobilized to have the matter settled quietly. So far no inter-village conflict has been observed. On principle, leaders of the villages concerned would have the conflict solved quietly. In case no solution can be worked out, litigation is inevitable, but such is a great mishap indeed and in the mind of the village-leaders it is to be avoided by all means.

622 The leaders are indeed important personalities. They take care of private as well as public affairs. Although observing the principles of non-intervention and inaction, they are very often requested to render assistance. When family property is, for instance, to be divided among the sons of a family, a person of age and prestige, whether relative or not, is requested to assist.

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

Manager	Witness
President	Adviser
Vice-President	Inspector
Judge	Investigator
Attorney-General	Reporter
Prosecuting Attorney	Chief of Police
Grand Jury	Police
Jury of the Court	Executioner
Sheriff	Warrant Carrier
Counselor	Time-keeper
Protector	Door-keeper
Law Proctor	Servant of the Court

The office held by the different members of the executive committee[1] depended either upon lot or the choice of the general manager, for one of the men who came to sit with the foreign guests complained that he had been appointed executioner and did not like the job.

The worship of the gods of the gild was the first business of the meeting. On the raised platform at the upper end of the hall an altar had been arranged for the God of Heaven, the God of Earth, and the God of Men, from whom the gild gets its name of the "Three Emperors Associations." On the wall were hung the pictures of the three gods, the Emperor of Heaven being in the middle and slightly higher than the other two. In front of them, on a table, was spread a feast of chicken, pork, fish, wine, vegetables, fruit and rice. On the edge of the table burned two large candles and the incense offered to the gods. The members of the executive committee came up two by two, to offer to the gods their obeisance and thanks for the prosperity of the past year. They were directed in their worship by the secretary of the gild, the one officer who was not blind. First, they were required to straighten their clothing, then they bowed before the gods, and then went down on their knees and bowed their head to the floor in the "K'e t' ou," the Chinese sign of submission and reverence. The bow and the "K'e t' ou" were repeated three

[1] [Guild of the blind -- Analyst]

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

times, and then the next pair was brought up. All the time the worship was going on, music was furnished by six of the best musicians of the gild. 467* 732 782 [533]

After all forty-eight of the officers had worshiped before the gods, the musicians gave a two-hour concert with their best songs and music. Any who had written new songs during the past year were called upon to give them at the time. Following the concert, the business meeting was held from 12 to 2. It consisted of reports and the discussion of methods for strengthening the gild, and of ways and means for making the business of the blind entertainers more prosperous. At the end of the meeting, a report giving a statement of the condition of the gild, a résumé of the business of the past year, and the names of all the officers, musicians, committeemen and subscribers, was burned on the altar, so that the gods might have a complete report of the work and development of the gild.

After the business meeting, the committee constituted itself a court, tried the cases of those who were accused of having broken the rules and regulations of the gild, and heard and attempted to settle cases where there had been a quarrel or dispute between any of the members. When the cases were brought before the court testimony was taken and a verdict rendered. Each of the members of the executive committee carried out the duties of the office to which he had been assigned.. 467* 732 627.

In the olden days, the gilds used to punish their younger members, when convicted of violating the important rules of the association, by sentencing them to 50, 70 or 100 strokes of the bamboo, according to the degree of their guilt. As the gild felt that no man could completely break a rule, the entire sentence was never carried out. If a man were sentenced to 100 blows, the executioner would give only 90. The older members were punished by a fine. Those convicted of a first degree offense were fined one tael ($1.39). For a second degree offense, the fine was seven mace (7/10 of a tael [$.97]) and for one of the third degree, three mace (3/10 of a tael [$.42]).

After the establishment of the Republic, the people denied the gild the right to use the bamboo and insisted that other punish-

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

ments be used. As a result, the gild has found it hard to enforce its rules, and but few trials have been held during the last few years. The gild officers, however, are planning to suspend for a certain number of days those who break the rules of the gilds. Suspension will mean that the guilty one will be prevented from carrying on his business during those days, and it is hoped that in this way the members can once more be made to live up to the rules.

Following the trials, a feast was served to the committee and visitors who were still present; and then, after the burning of another paper before the gods, the meeting broke up about 5 a. m.[1]

[1] Gamble and Burgess, *op. cit.*, pp. 171-174.

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

officers of the guild collectively and tabulated their official functions in the order in which they occurred to them. Most prominent in the replies, of course, is the general statement of "managing the affairs of the guild." When we get beneath this blanket statement, we find that the duties mentioned may be classed roughly as follows: (a) preparing for the special meetings of worship, including temple arrangements; (b) calling special committee meetings or yearly business meetings when held at other times than the meeting of worship; (c) supervising the financial affairs of the guild, which includes proposing rates for the yearly dues, collecting the dues and fines, keeping an eye on the accounts and making a financial statement of the guild's expenditures; (d) making proposals to the guild regarding important matters, such as increasing the wages or a change in the constitution; (e) the punishing of offenders, including the imposing of fines, the detection of rule breakers and expulsion from the guild; (f) maintaining relations with outside bodies, such as the Chamber of Commerce, when the guild belongs to it, and representing the guild in dealings with the government.

The responsibility of the elders or officers for the meeting of worship is emphasized in the replies from craft guilds. Ten guilds emphasized this priestly function. The duty of the officers is "to prepare the day of worship and the play;" in the Masons Guild, it is "to prepare the sacrifices," in the Leather Box Makers Guild, "to manage the guild's worship." Among the commercial guilds there is less emphasis on this function.

There is a similar contrast in the emphasis on the punishment of offenders. Seven craft guilds note that officers' activities include such things as "to punish offenders" (Awning Makers), "try to find the law breakers" (the Carpenters), and "to inflict punishment on offending members"

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

(the Shoe Fasteners). There is a similar emphasis in three of the professional guilds. This particular function, however, is not mentioned at all among the commercial guilds. It seems probable that the explanation of this lack of emphasis on guild discipline is that the commercial guilds are practically all members of the Chamber of Commerce, which means that they are registered with the police and are to that extent under governmental control and are restricted from inflicting punishment on their members.

In some of the commercial guilds there is a sharp distinction between the duties of the executives and those of the board of directors or guild council, the former being responsible particularly for the outside relations of the guild, especially with the Chamber of Commerce, while the directors determine the internal affairs of the guild. The Dye Stuff Stores report that the function of the president is "to have charge of relations with outside agencies. The elders have charge of internal affairs." The Coal Stores report that "there are two executive heads who have charge of all relations with the Chamber of Commerce. The board of directors (composed of four men) recommends action to them." The representatives of the Restaurants Guild tell us that the most important duties of their two executive officers are representing the guild in the Chamber of Commerce and dealing with the question of taxation by the police. It is evident from this report, and from many other sources, that the relatively newly-organized Chamber of Commerce is becoming more and more important. In many important matters the Board of Police deals with the Chamber, and the Chamber in turn deals with the guilds through their official representatives.

The Leather Stores emphasize the "investigating of the violation of rules," whereas the Porters are especially interested in the elders' function of mediating between mem-

4: Burgess E-4.5 (1926-1927) 1928 AF12 North China AF12

*441 *467 282 When joining the guild fees must be paid on time. No fees will be collected after the proper date. Failure to pay the fee will result in expulsion from the guild. If the offender wishes to join the guild again, he will be fined 12,000 coppers ($34.78) and must give a play before the altar of the God of Wealth. (5) If the president (of the guild) fails to appear on the 26th of the third month, the day for worship and the theatrical performance, he is fined 600 coppers ($1.74).

C. The Enforcement of Guild Rules

*441 *467 627 One of the principal differences between the functioning of the guilds described by Macgowan and Morse in South China and the activities of the Peking guilds as depicted in our study is the degree in which the strict rules and regulations of these organizations are enforced. The old machinery for the enforcement of guild decisions still exists, but its effectiveness in Peking in many cases is very evidently impaired.

GUILD COURTS

In most of the Peking guilds, at the time of the annual meeting, the respected elders of experience in the guild are appointed to be judges of persons reported to have broken the guild rules. The usual regulations are that for light offenses the fine shall be incense; for heavy offenses, money in varying amounts; and for the worst crimes, the penalty shall be expulsion from the guild. Corporal punishment is no longer permitted by the police.

Where there is religious service the trial of offenders is held in the presence of the guild god and frequently one of the penalties is kneeling before the guild master in public admission of guilt and asking for forgiveness. Committees act as boards of arbitration when there are disputes between guild members. "They cannot compel any one to give

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

testimony and have no way of enforcing their decisions except for the power of public opinion." [1] It is possible for guild members who think they have been unjustly treated to appeal to the courts. Practically, recourse to an official is seldom made use of, for the decision already arrived at by the guild has great weight with the official and in most cases he will simply endorse the decison already made.

441* 467* 627.

Mr. Gamble gives this description of guild court procedure:

> It was our good fortune to see one of the Gild Courts in session. The committee, the interested parties and their witnesses met in a temple. There the goods, concerning which the case had arisen, were set in front of the committee, and each side briefly gave its testimony. The witnesses were heard, and after a short conference the committee gave its decision. This was accepted as final, both parties arose, bowed to the committee and to each other, and the matter was closed. A half-hour sufficed to settle satisfactorily a case which, if taken before the official, would have meant at least a day's travel for all of the parties concerned, besides possible delays and inconveniences.[2]

Detailed court procedures of the Peking Blind Guild were given by the representative of that organization. Presumably these are the regulations observed prior to the action of the police forbidding corporal punishment. When a member violates a rule he will be sent to the head of the section (of the guild) in which he lives. The head of that section will notify the other sections and fix a day for trial. Each of the other sections will send three or four of their "leaders" to participate in the trial as judges. During the meeting of worship any member who has been wronged by another "may plead his case before the god." "The officers present

[1] Gamble and Burgess, *op. cit.*, pp. 194-5.

[2] Gamble and Burgess, *op. cit.*, p. 194.

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

* 441 * 467 627 ● will judge the case." Three sticks of varying weights are used in punishing prisoners. (a) For serious cases stick No. 1 is used. The guilty person is beaten one hundred times and then driven out of the city. (b) For less serious cases stick No. 2 is used. The culprit is beaten seventy times. (c) For minor cases stick No. 3 is used and the offender is beaten forty times. "If any one speaks in behalf of the guilty one, his punishment very likely will be less severe." In addition to being beaten, offenders may be fined incense money. A fine of ten packages of incense costs 50 coppers ($.15). If members are wronged by persons outside the guild, the guild will demand justice. If the offending party is not reasonable the guild will fight him. The particular methods of fighting this outside offender are not indicated.

According to Macgowan, the decisions of the guilds, whether passed at the business meetings or penalties imposed by the guild court, were always carried out.

As regards handicraft associations, their Unions are most exacting and arbitrary; no recalcitrant members can escape punishment, nor can any obtain employment who are not in good standing for fidelity to the craft. Ordinarily, mild measures are resorted to; the offending member is waited on and invited to repair to a tea-house. Resistance would be useless. He goes, and is there under arrest, surrounded by successive relays of fellow-craftsmen, until he pays the amount for which he is mulcted, or until friends or employers advance money to satisfy the demand. It is rare indeed that such measures fail, and occasions seldom exist for inflicting cruelties like those of which Western mechanics have been guilty.[1]

In our reports very few details are given as to the manner in which decisions are carried out. Guilds simply state that

[1] Macgowan, *op. cit.*, pp. 181-2.

4: Burgess E-4,5 (1926-1927) 1928 AF12 North China AF12

"rules are strictly enforced," or, in some cases, that rules once were enforced but are no longer, or that "rules are not enforced." There is every indication that this loosening of the hold of the guild upon the activities of its members is a change from the ancient system.

The Peking Tinkers still observe the custom of taking the tools away from an offending guildsman who will not listen to the decisions of the group. Expulsion was the final weapon used by the guild, and was usually followed by a complete boycott by the guild members, which often made it practically impossible for the artisan or tradesman to conduct his work even if he had the temerity to attempt it. This weapon is still used, but is less effective than formerly.

D. United Action by the Guild

Weapons used with great effect by Chinese guildsmen are the strike and the boycott. Group action is used to bring to terms both offending individuals and opposing groups.

Strikes within the guild

Because of the lack of differentiated organization between journeymen and shop master, and because of the close personal relationships in shop or store, severe disputes between them are infrequent. The journeymen have a customary scale of living which they desire to maintain. With changes in money exchange or in the prices of necessities, the masters ordinarily make needed adjustments in wages. Difficulties do sometimes arise, however, and the usual procedure is for the journeymen to get together in the temple or guild house and make certain united demands upon the employers. The controversy is usually quickly settled. There are, however, recorded cases of the most severe retribution on masters who failed to give the proper wage or who took on more apprentices than the guild